

SUM-100

SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT: DEBORAH KRONSTAD, M.D. and COMMUNITY
(AVISO AL DEMANDADO): HEALTH CENTERS and DOES 1 through 50,
inclusive,**

**YOU ARE BEING SUED BY PLAINTIFF: SUZANNE ABREU and KENNETH
(LO ESTÁ DEMANDANDO EL DEMANDANTE): ALARCON.**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
**ELECTRONICALLY
FILED**

1/12/2018 3:50 PM

SAN LUIS OBISPO SUPERIOR COURT
BY Carol L. McGuirk
Carol L. McGuirk, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of San Luis Obispo

1035 Palm Street, Room 385

San Luis Obispo, California 93408

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Thomas E. Donahue

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DONAHUE & HORROW LLP

1960 E Grand Ave, Ste 1215, El Segundo, CA 90245

DATE:

1/12/2018 3:50 PM

(Fecha)

/s/Michael Powell

Clerk, by

(Secretario)

Carol L. McGuirk

(310) 322-0300

Deputy

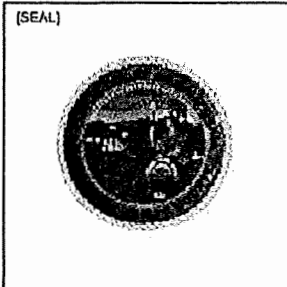
(Adjunto)

CASE NUMBER:

(Número del Caso): 18CV-0032

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

1 THOMAS E. DONAHUE (SBN 156279)
 2 DONAHUE & HORROW, LLP
 1960 E. Grand Ave., Suite 1215
 3 El Segundo, California 90245
 Telephone: (310) 322-0300
 Facsimile: (310) 322-0302
 4 Email: tdonahue@donahuehorrow.com

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1/12/2018 3:50 PM

SAN LUIS OBISPO SUPERIOR COURT
 BY Carol L. McGarrity
 Carol L. McGarrity, Deputy Clerk

5 Attorneys for Plaintiffs,
 6 SUZANNE ABREU and KENNETH
 7 ALARCON

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF SAN LUIS OBISPO

11
 12
 13 SUZANNE ABREU and KENNETH
 14 ALARCON,

Case No.: 18CV-0032

15 Plaintiffs,

16 vs.

COMPLAINT FOR DAMAGES AND
 DEMAND FOR JURY TRIAL

17 DEBORAH KRONSTAD, M.D. and
 18 COMMUNITY HEALTH CENTERS and DOES
 1 through 50, inclusive,

19 Defendants.

20
 21 COME NOW plaintiffs SUZANNE ABREU and KENNETH ALARCON, (hereinafter
 22 collectively referred to as "Plaintiffs") and allege upon information and belief as follows:

23 **GENERAL ALLEGATIONS**

24 1. The true names, identities or capacities, whether individual, associate, corporate or
 25 otherwise of Defendants DOES 1 through 50, inclusive, are unknown to Plaintiffs who, therefore,
 26 sue said Defendants by such fictitious names. When the true names, identities or capacities of such
 27 fictitiously-designated Defendants are ascertained, Plaintiffs will ask leave of Court to amend the
 28 Complaint to insert said true names, identities and capacities, together with the proper charging

1 allegations.

2 2. Plaintiffs are informed and believe and thereon allege that each of the Defendants
3 sued herein as a DOE is responsible in some manner for the events and happenings herein referred
4 to, thereby legally causing the injuries and damages to the Plaintiffs as herein alleged.

5 3. Plaintiffs are informed and believe and thereon allege that all of the facts, acts, events
6 and circumstances herein mentioned and described occurred in the County of San Luis Obispo,
7 State of California, and all Defendants are residents of the County of , State of California, doing
8 business in said County, State of California.

9 4. At all times herein mentioned, Defendants, DEBORAH KRONSTAD, M.D. and
10 DOES 1 through 10, inclusive, were, and now are, physicians and surgeons, holding themselves out
11 as duly licensed to practice their profession under and by virtue of the laws of the State of California
12 and were, and now are, engaged in the practice of their profession in the State of California and
13 acting as agents, ostensible agents, employees and servants of some or all of the other Defendants
14 within the course and scope of said agency or employment.

15 5. At all times herein mentioned, Defendants, and DOES 11 through 20, inclusive, were,
16 and now are, registered nurses, licensed vocational nurses, practical nurses, certified nurse
17 midwives, aids, technicians, attendants, students or other paramedical personnel, holding themselves
18 out as duly able to practice their profession under and by virtue of the laws of the State of California
19 and were, and now are, engaged in the practice of their profession in the State of California and
20 acting as agents, ostensible agents, employees and servants of some or all of the other Defendants
21 within the course and scope of said agency or employment.

22 6. At all times herein mentioned, Defendants COMMUNITY HEALTH CENTERS and
23 DOES 21 through 30, inclusive, were corporations, partnerships, joint ventures, or other entities
24 organized and existing under the laws of the State of California, with their principal place of
25 business situated in the State of California and are the employees, partners, agents, ostensible agents,
26 principles of all other defendants, and each of them.

27 7. At all times herein mentioned, Defendants and DOES 31 through 40, inclusive, were
28 duly organized California corporations, partnerships, hospitals or other entities, existing under and

1 by virtue of the laws of the State of California; that said Defendant corporations, hospitals and the
 2 remaining Defendants, and each of them, owned, operated, managed and controlled a general
 3 hospital facility within the County of San Luis Obispo, State of California, held out to the public at
 4 large and to the Plaintiffs herein, as properly equipped, fully accredited, competently staffed by
 5 qualified and prudent personnel and operating in compliance with the standard of due care
 6 maintained in other properly equipped, efficiently operated and administered, accredited hospitals in
 7 said community commonly.

8 8. At all times herein mentioned Defendants COMMUNITY HEALTH CENTERS and
 9 DOES 41 through 50, were doing business as a district hospital, a hospital operated by a government
 10 entity open to the public, or a medical facility operated by a government entity open to the public, or
 11 a physician, nurse midwife, or nurse, or other health care professional employed by a government
 12 entity, rendering medical, surgical, hospital, diagnostic, nursing and other care to the general public
 13 for compensation, existing under and by virtue of the laws of the State of California; that said
 14 Defendant corporations, hospitals and the remaining Defendants, and each of them, owned, operated,
 15 managed and controlled a general hospital facility within the County of San Luis Obispo, State of
 16 California, held out to the public at large and to the Plaintiffs herein, as properly equipped, fully
 17 accredited, competently staffed by qualified and prudent personnel and operating in compliance with
 18 the standard of due care maintained in other properly equipped, efficiently operated and
 19 administered, accredited hospitals in said community commonly.

20 9. Defendants COMMUNITY HEALTH CENTERS and DOES 21 through 50,
 21 inclusive, at all times herein mentioned were institutions or controlled institutions, duly accredited
 22 by the Joint Commission on Hospital Accreditation, and assumed and held themselves out to the
 23 public and to Plaintiffs as in compliance with the minimum standards required by said Joint
 24 Commission for such accreditation.

25 10. Plaintiffs are informed and believe and upon such information and belief allege that at
 26 all times herein mentioned, Defendants and other Defendants, including DOES 1 through 50, named
 27 fictitiously, were the agents, ostensible agents, servants, employees, joint-venturers, and co-partners
 28 of their said co-Defendants, including DOES 1 through 50, and, as such, were acting within the

1 course and scope of such agency, service, partnership, venture, and employment at all times herein
 2 mentioned; that each and every Defendant, as aforesaid, when acting as a principal, was negligent in
 3 the selection and hiring of each and every other Defendant, as its agent, ostensible agent, servant,
 4 employee, joint-venturer and partner. Further, each and every Defendant ratified the conduct of the
 5 other Defendants.

6 11. Plaintiffs are informed and believe that at the time of judgment they will be entitled to
 7 prejudgment interest because the Defendants will have rejected an offer pursuant to the terms of
 8 Code of Civil Procedure Section 998 and will have failed to obtain a more favorable judgment.

9 12. On or about August 9, 2017, plaintiffs served a Federal Tort Claim form on Deborah
 10 Kronstad, M.D. and Community Health Centers alleging medical negligence by these defendants,
 11 who Plaintiffs are informed and believe may be Federal employees. The claim was deemed rejected
 12 on or about December 21, 2017.

13
 14 **FIRST CAUSE OF ACTION FOR WRONGFUL DEATH**

15 **(BY SUZANNE ABREU and KENNETH ALARCON AGAINST DEFENDANTS DEBORAH**

16 **KRONSTAD, M.D., COMMUNITY HEALTH CENTERS AND DOES 1 THROUGH 50)**

17 13. Plaintiffs SUZANNE ABREU and KENNETH ALARCON repeat and replead each
 18 and every allegation contained in all prior paragraphs and incorporate the same herein by reference
 19 as to Defendants DEBORAH KRONSTAD, M.D. and COMMUNITY HEALTH CENTERS AND
 20 DOES 1 THROUGH 50, as follows.

21 14. Winston Alarcon, a minor, died on February 1, 2017. Plaintiffs SUZANNE ABREU
 22 and KENNETH ALARCON are the decedents' surviving parents.

23 15. Plaintiffs bring this action, inter alia, as specified in Section 377 et seq. of the Code of
 24 Civil Procedure individually.

25 16. That SUZANNE ABREU and KENNETH ALARCON were at all times the natural
 26 heirs of Winston Alarcon and bring this action for Wrongful Death as individual Plaintiffs herein.

27 17. Prior to February 1, 2017, and at all times mentioned herein, Winston Alarcon
 28 (hereinafter referred to as "decedent") was placed in and remained under the sole and exclusive care

1 and control of Defendants, and each of them, for the purpose of receiving medical, surgical, hospital,
2 diagnostic, and nursing and other care.

3 18. At all times mentioned herein, Plaintiffs SUZANNE ABREU and KENNETH
4 ALARCON were the parents of the decedent, and as such, all Plaintiffs are heirs at law of the
5 decedent.

6 19. While decedent was under the sole and exclusive care and control of Defendants, and
7 each of them, as aforesaid, Defendants, and each of them, negligently, carelessly, and unskillfully
8 examined, diagnosed, treated, cared for, diagnosed, operated upon, attended and otherwise handled
9 and controlled decedent and negligently failed to possess and exercise that degree of skill and
10 knowledge ordinarily possessed and exercised by other physicians and surgeons, hospitals, nurses,
11 technicians, attendants and the like engaged in said professions in the same locality as Defendants,
12 and each of them.

13 20. At all times herein mentioned, when the decedent was in the exclusive control of the
14 Defendants, and each of them, and that at no time prior to the events, conduct, activities, care and
15 treatment herein complained of did the Defendants herein, or any of them, obtain knowledgeable,
16 informed consent for said care, treatment or conduct; that prior to the initiation of or performance of
17 said care, treatment, procedure or conduct no opportunity was afforded the Plaintiffs or any
18 authorized agent of the Plaintiffs to exercise voluntary, knowledgeable and informed consent to said
19 care, treatment, procedure or conduct.

20 21. As a direct and proximate result of the aforesaid negligence and carelessness of
21 Defendants, and each of them, decedent died on or about February 1, 2017.

22 22. As a direct and proximate result of the aforesaid negligence, carelessness and
23 unskillfulness of the Defendants, and each of them, and the resultant death of said decedent,
24 Plaintiffs have suffered extreme emotional distress and the pecuniary loss of the love, affection,
25 comfort, care, society companionship, protection, solace, moral support, physical assistance in the
26 operation and maintenance of the home, support and right to receive support from the decedent, all
27 to their damages in a sum in excess of the jurisdiction of the Municipal Court.

28 23. As a direct and proximate result of the aforesaid negligence, carelessness and

1 unskillfulness of the Defendants, and each of them, Plaintiffs were compelled to and did expend a
2 sum to be determined for medical expenses, funeral expenses and burial expenses of said decedent,
3 to their further damage in said sum.

4 ///

5 ///

6 **SECOND CAUSE OF ACTION FOR**
7 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
8 **(BY PLAINTIFF SUZANNE ABREU AGAINST DEFENDANTS DEBORAH KRONSTAD,**
9 **M.D., COMMUNITY HEALTH CENTERS AND DOES 1 THROUGH 50)**

10 24. SUZANNE ABREU repeats and repleads each and every allegation contained in all
11 prior paragraphs and incorporates the same herein by reference.

12 25. At all times herein mentioned, SUZANNE ABREU was the mother of decedent and
13 was under a duty to care for the minor child herein. Plaintiff SUZANNE ABREU employed said
14 Defendants to care for and treat herself and her minor child during the pregnancy, labor and delivery,
15 and thereafter.

16 26. At all times mentioned, said Defendants were under a legal duty to Plaintiff with
17 respect to the care and treatment of the child, while the child was a patient in the said hospital and
18 under the care of the said Defendants. Said Defendants and each of them treated and cared for both
19 the minor and SUZANNE ABREU during the labor and delivery of decedent.

20 27. At all times mentioned, there existed a close relationship between Plaintiff
21 SUZANNE ABREU and the minor decedent, namely, mother and child, and said Defendants were
22 aware of this close relationship when they agreed to care for the child. It was foreseeable that
23 Plaintiff SUZANNE ABREU would be damaged directly by negligent acts or omissions to act and
24 committed upon the child. Said Defendants were aware that Plaintiff SUZANNE ABREU was
25 concerned about the physical well-being of her child when Defendants agreed to treat both the child
26 and SUZANNE ABREU. Plaintiff SUZANNE ABREU was billed for the Defendants' medical
27 services rendered to the child.

28 28. It was reasonably foreseeable and easily predictable that any acts of negligence by

1 these Defendants that would injure the decedent child would lead to serious emotional distress in
 2 Plaintiff SUZANNE ABREU. Because the risk of harm to the Plaintiff was reasonably foreseeable
 3 and easily predictable, Defendants owed Plaintiff a duty to exercise due care in diagnosing, caring
 4 for, and treating Plaintiff's minor child. This is especially true as Defendants agreed to and did treat
 5 both SUZANNE ABREU and the minor at the same time.

6 29. Said Defendants in reckless disregard of the probability that their actions, in failing to
 7 provide the necessary medical treatment to Plaintiff SUZANNE ABREU and her child, caused
 8 Plaintiff SUZANNE ABREU severe emotional distress.

9 30. By reason of the negligence of said Defendants, Plaintiff SUZANNE ABREU
 10 suffered severe and serious emotional distress and shock and injury to her nervous system and body,
 11 all to her general damage in a sum within the jurisdiction of this Court and pursuant to Burgess v.
 12 Super. Ct. (Gupta) (1992) 2 Cal.4th 1064.

13 THIRD CAUSE OF ACTION FOR

14 NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

15 (BY PLAINTIFF KENNETH ALARCON AGAINST DEFENDANTS DEBORAH
 16 KRONSTAD, M.D., COMMUNITY HEALTH CENTERS AND DOES 1 THROUGH 50)

17 31. Plaintiff KENNETH ALARCON repeats and repleads each and every allegation
 18 contained in all prior paragraphs and incorporates the same herein by reference.

19 32. At all times herein mentioned, Plaintiff KENNETH ALARCON was the father of
 20 decedent and the husband of SUZANNE ABREU and was closely related.

21 33. At all times mentioned, said Defendants were under a legal duty to decedent and
 22 KENNETH ALARCON with respect to the care and treatment of the child while the child was a
 23 patient in the said hospital and under the care of the said Defendants. Said Defendants and each of
 24 them treated and cared for both the minor and the minor's mother during the labor and delivery of
 25 the decedent minor, and thereafter.

26 34. KENNETH ALARCON was present during labor and delivery of decedent, Winston
 27 Alarcon, and in the days subsequent to his birth. Plaintiff was at the scene of the injury producing
 28 events and then knew that his son was injured and dying. KENNETH ALARCON witnessed his son

1 panting, grunting, unable to eat and unable to breath. He witnessed his son going into cardiac arrest
 2 and witnessed his son being taken to the nursery. KENNETH ALARCON was present when the
 3 nurses called for the doctor and witnessed the medical personnel working on their son and witnessed
 4 his lifeless body as they attempted CPR and watched his son pass away.

5 35. Said Defendants in disregard of the probability that their actions, in failing to provide
 6 the necessary medical treatment to decedent, caused Plaintiff KENNETH ALARCON to suffer
 7 severe emotional distress.

8 36. By reason of the negligence of said Defendants, Plaintiff KENNETH ALARCON
 9 suffered severe and serious emotional distress and shock and injury to his nervous system and body,
 10 all to his general damage in a sum within the jurisdiction of this Court and pursuant to Thing v. La
 11 Chusa (1989) 48 Cal.3d 644.

12 FOURTH CAUSE OF ACTION FOR LOSS OF CONSORTIUM

13 (BY PLAINTIFF SUZANNE ABREU AGAINST DEFENDANTS DEBORAH

14 KRONSTAD, M.D., COMMUNITY HEALTH CENTERS AND DOES 1 THROUGH 50)

15 37. Plaintiffs plead each and every allegation contained in all prior paragraphs and
 16 incorporate the same herein by reference as to Defendants and each of them as follows.

17 38. At all times herein mentioned, SUZANNE ABREU and KENNETH ALARCON were
 18 married and are husband and wife.

19 39. As a direct and proximate result of the aforesaid conduct of Defendants, and each of
 20 them, and the resultant emotional injuries to Plaintiff, KENNETH ALARCON, Plaintiff SUZANNE
 21 ABREU suffered and is reasonably certain to suffer in the future the loss of love, companionship,
 22 comfort, affection, society, solace, moral support, enjoyment of sexual relations, enjoyment of life,
 23 and physical assistance in the operation and maintenance of the home, loss of financial support all to
 24 their damage in a sum in excess of the jurisdiction of the Municipal Court.

25 FIFTH CAUSE OF ACTION FOR LOSS OF CONSORTIUM

26 (BY PLAINTIFF KENNETH ALARCON AGAINST DEFENDANTS DEBORAH

27 KRONSTAD, M.D., COMMUNITY HEALTH CENTERS AND DOES 1 THROUGH 50)

28 40. Plaintiffs plead each and every allegation contained in all prior paragraphs and

1 incorporate the same herein by reference as to Defendants and each of them as follows.

2 41. At all times herein mentioned, SUZANNE ABREU and KENNETH ALARCON were
3 married and are husband and wife.

4 42. As a direct and proximate result of the aforesaid conduct of Defendants, and each of
5 them, and the resultant emotional injuries to Plaintiff, SUZANNE ABREU, Plaintiff KENNETH
6 ALARCON suffered and is reasonably certain to suffer in the future the loss of love, companionship,
7 comfort, affection, society, solace, moral support, enjoyment of sexual relations, enjoyment of life,
8 and physical assistance in the operation and maintenance of the home, loss of financial support all to
9 their damage in a sum in excess of the jurisdiction of the Municipal Court.

10 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them as
11 follows:

12 FOR THE FIRST CAUSE OF ACTION FOR WRONGFUL DEATH FOR ALL
13 PLAINTIFFS:

- 14 1. General damages, according to proof;
- 15 2. Special damages, according to proof;
- 16 3. For all doctor, hospital, medical and incidental expenses according to proof;
- 17 4. For funeral and burial expenses, according to proof;
- 18 5. Prejudgment interest except as to public entities as provided by California Civil Code
19 § 3291;
- 20 6. Costs of suit incurred herein,
- 21 7. Code of Civil Procedure § 998 penalties and interest, and;
- 22 8. For such other and further relief as to the Court appears just and proper.

23 FOR THE SECOND CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
24 EMOTIONAL DISTRESS FOR PLAINTIFF SUZANNE ABREU:

- 25 1. Economic and non-economic damages according to proof;
- 26 2. Past and future medical expenses, according to proof;
- 27 3. For loss of future earning and earning capacity, according to proof;
- 28 4. Prejudgment interest;

DONAHUE & HORROW LLP

1 5. Costs of suit incurred herein, and

2 6. For such other and further relief as to the Court appears just and proper.

3 FOR THE THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
4 EMOTIONAL DISTRESS FOR PLAINTIFF KENNETH ALARCON:

5 1. Economic and non-economic damages according to proof;

6 2. Past and future medical expenses, according to proof;

7 3. For loss of future earning and earning capacity, according to proof;

8 4. Prejudgment interest;

9 5. Costs of suit incurred herein, and

10 6. For such other and further relief as to the Court appears just and proper.

11 FOR THE FOURTH CAUSE OF ACTION FOR LOSS OF CONSORTIUM FOR
12 PLAINTIFF SUZANNE ABREU:

13 1. Economic and non-economic damages according to proof;

14 2. Past and future medical expenses, according to proof;

15 3. For loss of future earning and earning capacity, according to proof;

16 4. Prejudgment interest;

17 5. Costs of suit incurred herein, and

18 6. For such other and further relief as to the Court appears just and proper.

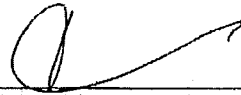
DONAHUE & HORROW LLP

1 FOR THE FIFTH CAUSE OF ACTION FOR LOSS OF CONSORTIUM FOR PLAINTIFF
2 KENNETH ALARCON:

- 3 1. Economic and non-economic damages according to proof;
- 4 2. Past and future medical expenses, according to proof;
- 5 3. For loss of future earning and earning capacity, according to proof;
- 6 4. Prejudgment interest;
- 7 5. Costs of suit incurred herein, and
- 8 6. For such other and further relief as to the Court appears just and proper.

9 DATED: January 12, 2018

DONAHUE & HORROW, LLP

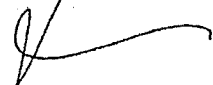
10 
11 _____
12 THOMAS E. DONAHUE
13 Attorneys for Plaintiffs
14
15
16

DEMAND FOR JURY TRIAL

17 Plaintiffs hereby demand a trial by jury.
18

19 DATED: January 12, 2018

DONAHUE & HORROW, LLP

20 
21 _____
22 THOMAS E. DONAHUE
23 Attorneys for Plaintiffs
24
25
26
27
28

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas E. Donahue SBN: 156279 DONAHUE & HORROW LLP 1960 E Grand Ave, Ste 1215, El Segundo, CA 90245 TELEPHONE NO.: (310) 322-0300 FAX NO.: (310) 322-0302 ATTORNEY FOR (Name): Kenneth Alarcon		FOR COURT USE ONLY ELECTRONICALLY FILED 1/12/2018 3:50 PM SAM LUIS OBISPO SUPERIOR COURT BY <u>Carol L. McGuffee</u> Carol L. McGuffee, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO STREET ADDRESS: 1035 Palm Street, Room 385 MAILING ADDRESS: 1035 Palm Street, Room 385 CITY AND ZIP CODE: San Luis Obispo, 93408 BRANCH NAME: Civil Court Operations		
CASE NAME: Abreu, et al. vs Deborah Kronstad, M.D., et al.		CASE NUMBER: 18CV-0032
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input checked="" type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 12, 2018

Thomas E. Donahue

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

 Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 [Rev. July 1, 2007]
CIVIL CASE COVER SHEET
 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
 www.courtinfo.ca.gov
 Westlaw Doc & Form Builder

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller
Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims
(arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition